

2001-51

>>> "Fisher, Frederick" <Frederick.Fisher@bbdodetroit.com> 08/12/03 05:27PM >>>

While I am not a lawyer and don't condone domestic violence, from what I have seen of the legal system, the past actions of a person should not be influence the current trial. In rape cases, the past lifestyle of the rape victim cannot be entered in as evidence. This is a similar situation. The law goes both ways.

I have in my years learned that legal does not always mean right. And that "unright" things are made legal and allowed to continue for various reasons.

Each trial is independent and in each criminal trial the person is being charged for a specific wrong. To bring up other untried (presumption of innocence) instances that the defendant is not being currently charged with, to me, makes it a cousin of double jeopardy. Except you were not able to defend yourself against those other charges in a court of law. If the person was previously tried and convicted for a similar offense, that is a different situation.

Hearsay should never be allowed as evidence. It opens the door to corruption and honestly, just because a police officer "swears" to something, it may not be true. In an innocent example (not to forget the corrupt examples) of what could happen: The police officer misheard or misread what was going on. They are human too.

I know domestic violence against both women and men (against men - the more under reported of the two), is a vile thing, but the constitution cannot be shredded to prosecute offenders. Or why stop with domestic violence issues?

Thanks,

Fred Fisher